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23347	7590	03/01/2011	EXAMINER	
GLAXOSMITHKLINE			COLLINS, MICHAEL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/527,606

Applicant(s)

ANDERSON ET AL

Examiner

MICHAEL K. COLLINS

Art Unit

3651

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36 and 43-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36 and 43-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see **REMARKS / ARGUMENTS** filed 12/15/2010, with respect to the rejection(s) of claim(s) 36 and 43-47 under 35 U.S.C. §102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Takahashi et al. (USP 4,752,002).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 36, 43-46, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (USP 4,752,002).

Regarding claim 36, Takahashi et al. disclose a method of coiling a medicament carrier (26) in preparation for loading the coiled medicament carrier into a housing (30) of a medicament dispenser, said carrier having the form of an elongate strip (10) and having multiple distinct medicament doses (22,24) carried thereby, the method comprising:

- (a) receiving the leading end of the elongate medicament carrier by a spindle (28); and
- (b) forming a coil of the elongate medicament carrier with the medicament doses therein on the spindle by rotating the spindle (see Figure 4) whilst moving the spindle and the elongated medicament carrier in a common lateral sense (see column 4 lines 8-12).

Regarding claim 43, Takahashi et al. disclose a method according to claim 36, wherein the medicament carrier comprises blister pack form (see Figure 3).

Regarding claim 44, Takahashi et al. disclose a method according to claim 43, wherein the medicament carrier comprises a peelable blister strip comprising a base sheet, in which blisters are formed to define pockets therein for contacting distinct medicament dose portions, and a lid sheet which is hermetically sealed to the base sheet except in the region of the blisters in such a manner that the lid sheet and the base sheet can be peeled apart (see Figure 3).

Regarding claim 45, Takahashi et al. disclose a method according to claim 36 comprising associating the coiled medicament carrier with a retainer for retaining the coiled form (see Figure 5).

Regarding claim 46, Takahashi et al. disclose a method of coiling according to claim 36, wherein the spindle frictionally engages the elongated medicament carrier (see Figure 4).

Regarding claim 51, Takahashi et al. disclose a medicament dispenser loaded

with the coiled medicament carrier formed by the method of claim 36 (see Figure 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (USP 4,752,002) as applied to claims 36, 43-46 and 51 above, and further in view of Ogawa et al. (USP 5,630,561).

Regarding claim 47, Takahashi et al. disclose a method of coiling according to claim 36. However, they do not specifically disclose a method wherein the end of the elongate medicament carrier is received within a slit provided to the spindle. Ogawa et al. disclose a method of coiling wherein the end of an elongate carrier is received within a slit provided to a spindle. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the method

disclosed by Takahashi et al. by including a step wherein the end of the elongate medicament carrier is received within a slit provided to the spindle, as disclosed by Ogawa et al., for the purpose of securing one end of the webbing to the bobbin (see abstract of Ogawa et al.).

7. Claims 48-50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (USP 4,752,002) as applied to claims 36, 43-46, and 51 above, and further in view of Davies et al. (USP 5,590,645).

Regarding claim 48, Takahashi et al. disclose a method of coiling according to claim 36. However, they do not specifically disclose a method wherein the medicament dispenser is an inhalation device and the medicament doses are an inhalable powder. Davies et al. disclose a method wherein the medicament dispenser is an inhalation device and the medicament doses are an inhalable powder. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the method disclosed by Takahashi et al. by including a step wherein the medicament dispenser is an inhalation device and the medicament doses are an inhalable powder, as disclosed by Davies et al., for the purpose of providing a device so that a user can inhale medicament in the form of a powder (see Davies et al. column 1 lines 10-11).

Regarding claim 49, Takahashi et al. disclose a method of coiling according to claim 43. However, they do not specifically disclose a method wherein the medicament dispenser is an inhalation device and the medicament doses are an inhalable powder. Davies et al. disclose a method wherein the medicament dispenser is an inhalation

device and the medicament doses are an inhalable powder. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the method disclosed by Takahashi et al. by including a step wherein the medicament dispenser is an inhalation device and the medicament doses are an inhalable powder, as disclosed by Davies et al., for the purpose of providing a device so that a user can inhale medicament in the form of a powder (see Davies et al. column 1 lines 10-11).

Regarding claim 50, Takahashi et al. disclose a method of coiling according to claim 44. However, they do not specifically disclose a method wherein the medicament dispenser is an inhalation device and the medicament doses are an inhalable powder. Davies et al. disclose a method wherein the medicament dispenser is an inhalation device and the medicament doses are an inhalable powder. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the method disclosed by Takahashi et al. by including a step wherein the medicament dispenser is an inhalation device and the medicament doses are an inhalable powder, as disclosed by Davies et al., for the purpose of providing a device so that a user can inhale medicament in the form of a powder (see Davies et al. column 1 lines 10-11).

Regarding claim 52, Takahashi et al. disclose the medicament dispenser of claim 51. However, they do not specifically disclose a dispenser wherein the dispenser is an inhalation device and wherein the medicament doses are an inhalable powder. Davies et al. disclose a dispenser wherein the dispenser is an inhalation device and wherein

the medicament doses are an inhalable powder. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the dispenser disclosed by Takahashi et al. by including a dispenser wherein the dispenser is an inhalation device and wherein the medicament doses are an inhalable powder, as disclosed by Davies et al., for the purpose of providing a device so that a user can inhale medicament in the form of a powder (see Davies et al. column 1 lines 10-11).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL K. COLLINS whose telephone number is (571)272-8970. The examiner can normally be reached on 8:30 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.K.C.
2/24/2011

/Michael K Collins/
Examiner, Art Unit 3651